



**National Park Service
U.S. Department of the Interior**

**Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other
Restrictions Imposed Under
Discretionary Authority.**

**Booker T. Washington
National Monument**

12130 Booker T. Washington
Highway
Hardy, Virginia 24101

540-721-2094 phone
540-721-8311 fax
www.nps.gov/bowa

Approved:

Carla Whitfield

August 13, 2014
Date

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Booker T. Washington National Monument (BOWA). Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

**36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS
FOR SPECIFIC USES OR ACTIVITIES**

(a)(1) The following visiting hours, public use limits, and closures are established:

Visiting Hours:

- Sunday – Saturday, 7 days a week – Park opens at 9:00 a.m. Closes at 5:00 p.m.
- Closed Thanksgiving Day, Dec. 25 and Jan. 1.

These visiting hours were determined to be in the best interests of the park and are necessary for the proper management of the park.

Public Use Limits -- Pursuant to §1.5(d) to implement a public use limit, the Superintendent may establish a permit, registration, or reservations system:

- Seasonal and daily tour availability is updated on park website and calendar of events.
- Reservations are required for all ranger-led tours unless program is listed as a daily tour or scheduled program with no reservation requirements.

Tour reservations are needed to ensure quality program availability to visitors on a scheduled basis. Tour and program availability may be influenced by staffing availability and weather.

Closures:

- The entire park area is closed to kite flying at all times.

- The historic area and the park trails are closed to bicycle use. See also 36 CFR § 4.30 of this document.
- Fenced field areas, gates, and chain-linked fenced courtyards are closed to public access.
- Public use of the park Head Quarters access road is prohibited.
- The parking of motor vehicles along Visitor Center entrance road is prohibited unless directed by park employees during special events and overflow parking events.
- Geo-caching is prohibited throughout the park except that virtual caching is allowed.
- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Booker T. Washington National Monument is prohibited except as approved in writing by the superintendent. [The term “unmanned aircraft” means a device that is used for flight in the air without the possibility of direct human intervention from within the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.]

These closures are in effect to maintain the historical significance of the National Monument, protect resources, and to provide visitors with the appropriate experience to be able to commemorate the birthplace of Book T. Washington.

- Washing, cleaning, waxing, lubricating, repairing or performing mechanical work on motor vehicles, except in emergencies in any public use area is prohibited.

Locations exist outside the park for these activities. These types of activities are inconsistent with resource protection and park purpose and values. They interfere with the peace and tranquility of the park and are inconsistent with the reason the park was created.

(a)(2) The following areas are designated for a specific use or activity and/or the following conditions or restrictions are imposed on a specific use or activity:

Passenger Carrying Busses:

- Engines must be shut down when not underway.

The idling of bus engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by visitors of the peace and tranquility of the park. Due to the nature of the service provided by the shuttle busses, they are excluded from the requirement.

36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

Activities requiring a permit are listed above under Public Use Limits and throughout this document under the specific 36 CFR Section that authorizes or requires the issuance of a permit. The following is a compilation of those activities and/or public uses for which a permit from the superintendent is required:

- §1.5(d) Relating to Public Use Limits:
 - To implement a public use limit, the superintendent may establish a permit, registration, or reservation system. Permits shall be issued in accordance with the criteria and procedures of 36 CFR 1.6.
- §1.6(g)(1) Permits:
 - Professional photography requires a permit.

- Violating the terms or conditions of a permit issued pursuant to this section is prohibited. 1.6(g)(2)
- §2.4(d) Carry or possess a weapon, trap, or net:
 - Firearms may be carried or possessed in accordance with applicable local, state and federal law.
 - Other weapons as defined under 36 CFR 1.4 will require a permit.
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)
- §2.12 Audio Disturbances:
 - (a)(2) Operating a chain saw in developed areas
 - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
 - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.17 Aircraft & Air Delivery:
 - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
 - (c)(1) Removal of a downed aircraft
- §2.37 Soliciting or demanding gifts, money goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives:
 - (a) Use, possess, store, transport explosives, blasting agents
 - (b) Use or possess fireworks
- §2.50(a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony and similar events
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views
- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising
- §2.62 Memorialization:
 - (a) Erection of monuments (Requires approval from Regional Director)
 - (b) Scattering ashes from human cremation
- §4.11(a) Exceeding of established vehicle load, weight and size limits
- §5.1 Advertisements - (Display, posting or distribution.)
- §5.3 Engaging in or soliciting any business
- §5.5 Commercial Photography/Filming:
 - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television

- (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.6(c) Use of commercial vehicles on park area roads (The superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available)
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.

The Chief Ranger's office should be contacted for permit information. Please call (540) 721-2094.

36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES

Under, §2.1(a) collecting natural materials from the park is generally prohibited. However, pursuant to §2.1(c), the following fruits, nuts, berries or unoccupied seashells may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or possession and consumption restrictions:

| <u>Fruits/Nuts/Berries</u> | <u>Daily/Person Limit</u> |
|---|---------------------------|
| Walnuts, Hickory Nuts, Acorns (Oak Species) | 3 Gallons |
| Paw Paws, Persimmons | |
| Blackberries, Raspberries | ½ Gallon |
| Mushroom (Morels) | ½ Gallon |

The gathering or consumption of these materials will not adversely affect park wildlife, the reproductive potential of a plant species, or other park resources.

36 CFR §2.2 - WILDLIFE PROTECTION

(b) Hunting of any type within park boundaries is prohibited.

The park is closed to hunting because such activity is inappropriate considering the other uses of the park and the purpose for which the park was established and is maintained. The park was established and is maintained to memorialize and commemorate the birthplace of Booker T. Washington. Any activity that negatively impacts the park's natural and cultural resources is not permitted. The park's memorial grounds are part of a significant historical cultural landscape and are therefore inappropriate places for hunting.

NOTE: Pursuant to §2.2(b)(1) Hunting shall be allowed in park areas where such activity is specifically mandated by Federal statutory law. Pursuant to §2.2(b)(2), hunting may be allowed in park areas where such activity is specifically authorized as a discretionary activity under Federal statutory law if the superintendent determines that such activity is consistent with public safety and enjoyment and sound resource management principles. Such hunting shall be allowed pursuant to special regulations Pursuant to §2.2(c), except in emergencies or in areas under the exclusive jurisdiction of the United States, the superintendent shall consult with appropriate State agencies before invoking the authority of §1.5 for the purpose of restricting hunting and trapping or closing park

areas to the taking of wildlife where such activities are mandated or authorized by Federal statutory law.

(d) The following conditions and procedures for transporting lawfully taken wildlife through the park area are in place:

- Transporting wildlife through the boundaries of Booker T. Washington National Monument is prohibited, except when escorted by a Park Ranger.

(e) The following areas are closed to the viewing of wildlife with the use of an artificial light:

- All park areas are closed to the viewing of wildlife with the use of artificial light between the hours of sunset and sunrise, except when necessary for park management purposes.

36 CFR §2.3 – FISHING

(a) Fishing shall be in accordance with the laws and regulations of Virginia.

- Fishing is permitted in the park along Gills Creek during normal park visiting hours.

36 CFR §2.4 – WEAPONS, TRAPS AND NETS

(a)(2)(i) Weapons, traps, or nets may only be carried, possessed or used at the following designated times and locations:

- Traps and nets cannot be carried, possessed or used in the park area.
- Weapons cannot be used in the park area.
- Park visitors who can legally possess a firearm under federal, state and local law can possess that firearm in the park under the same terms. However, firearms are prohibited in all park buildings.

36 CFR §2.5 – RESEARCH SPECIMENS

(a) Taking plants, fish, wildlife, rocks or minerals is prohibited except in accordance with other regulations of Chapter I of 36 CFR and pursuant to the terms and conditions of a specimen collection permit.

36 CFR §2.10 – CAMPING AND FOOD STORAGE

(a) Camping is subject to the following established conditions:

- Camping is prohibited in the park year round, unless authorized by the Superintendent or her designee.

36 CFR §2.11 – PICNICKING

Certain areas have been closed to picnicking and are listed in §1. 36 CFR 1.5(a)(1) Closures of this document.

Conditions for Picnicking:

- Picnicking is allowed only in designated picnic area.

36 CFR §2.12 – AUDIO DISTURBANCES

(a)(2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.

(a)(3) Operating any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas is prohibited, except pursuant to the terms and conditions of a permit.

(a)(4) Operating a public address system is prohibited, except in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51.

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is prohibited, except in the following areas and/or receptacles, and under the conditions noted:

Designated Areas:

- Charcoal fires are permitted only in the picnic area. All fires are restricted to grills or other suitable receptacles.

Receptacles Allowed:

- Grills or other suitable receptacles.

Fires are permitted in approved areas used by Volunteers-in-the-Parks Living History Guild during living history interpretation programs and events.

36 CFR §2.15 – PETS

NOTE: "The Service has determined that most commemorative, wilderness, natural and backcountry zones must be closed to the possession of pets. Section 2.12(a)(1) provides the authority to implement the closures necessary to protect the values enumerated in §1.5(a)." [48 FR 30267, June 30, 1983]

(a)(1) Possessing pets in public buildings, public transportation vehicles, swimming beaches, and the following structures and/or areas is prohibited:

- Pets are prohibited in the visitor center and buildings in the historic area, except guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons.

(a)(3) Leaving a pet unattended and tied to an object is prohibited.

- Animals not claimed within a reasonable period of time after the owner has been notified or those whose owner cannot be identified will be turned over to the local dog warden.
- Pets should remain under the control of owner by way of lease throughout park.

(a)(5) Pet excrement must be disposed of in accordance with the following conditions:

- Pet excrement must be removed from the picnic area, exhibit area, and other areas of heavy public use.

36 CFR §2.21 – SMOKING

(a) The following portions of the park, buildings, structures and/or facilities are closed to smoking as noted:

- Smoking is prohibited in all park buildings, including historic buildings, the visitor center, and the headquarters building

This designation is based on Executive Order 13058, published in the August 13, 1997 Federal Register. It is also designed to protect park resources and reduce the risk of fire.

36 CFR §2.22 – PROPERTY

(a)(2) Leaving property unattended for longer than 24 hours is prohibited, except in the following locations or under the following conditions:

- Property may not be left unattended for longer than 24 hours unless authorized by the superintendent or her designee. Property left unattended in excess of 24 hours; or interferes with visitor safety, orderly management of the park area, or presents a threat to park resources will be impounded. Additionally, the superintendent may assess the owner reasonable fees for the impoundment and storage of property impounded pursuant to this section.

36 CFR §2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

(a)(3)(i) The following areas and facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

- Consuming alcohol and/or possessing open bottles, cans, or other receptacles containing alcohol is prohibited in the park unless a special use permit is obtained from superintendent.

The park is closed to alcohol consumption because such activity is inappropriate considering the other uses of the park and the purpose for which the park was established and is maintained. The park was established and is maintained to memorialize and commemorate the birthplace of Booker T. Washington. Any activity that negatively impacts the park's natural and cultural resources is not permitted. The park's memorial grounds are part of a significant historical cultural landscape and are therefore inappropriate places for the consumption of alcohol.

36 CFR §2.37 – NON-COMMERCIAL SOLICITING

Soliciting or demanding gifts, money, goods or services is prohibited except pursuant to the terms and conditions or a permit that has been issued under §2.50, §2.51, or §2.52.

36 CFR §2.50 – SPECIAL EVENTS

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefore has been issued by the superintendent.

36 CFR §2.51 -- DEMONSTRATIONS

(b) Demonstrations of more than 25 people are allowed within park areas designated as available under paragraph (c)(2) when the superintendent has issued a permit for the activity.

(c)(2) The following locations are designated as available for demonstrations:

- The area immediately west of the park's Visitor Center down the hill in front of the sheep pasture is designated as the park's First Amendment assembly area.

NOTE: Pursuant to §2.51(c)(2) the superintendent must designate on a map, which must be available in the office of the superintendent and by public notice, the locations designated as available for demonstrations and the sale or distribution of printed matter.

36 CFR §2.52 -- SALE OR DISTRIBUTION OF PRINTED MATTER

(b) The sale or distribution of printed matter by more than 25 persons is allowed within park areas designated as available under §2.51(c)(2) (see above) when the superintendent has issued a permit.

36 CFR §3.16 – SWIMMING AND WADING

Swimming or wading is prohibited in park waters pursuant to §1.5 of this document.

It is hazardous to swim and/or wade any open waters throughout the park.

36 CFR §4.30 – BICYCLES

(a) The use of a bicycle is prohibited except on park roads, in parking areas, and on routes designated for bicycle use. Park roads and parking areas that are closed to bicycle use are listed in §1.5 of this document.

36 CFR §5.1 – ADVERTISEMENTS

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent.

36 CFR §5.3 – BUSINESS OPERATIONS

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

36 CFR §5.5 – COMMERCIAL PHOTOGRAPHY

(a) Before any motion picture may be filmed or any television production or sound track may be made by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the Superintendent.

(b) Taking photographs of any vehicle or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.

36 CFR §5.6 – COMMERCIAL VEHICLES

(b) & (c) Using commercial vehicles on government roads within park areas when such use is in no way connected with the operation of the park is generally prohibited, and requires permission or a permit from the Superintendent.

36 CFR §5.7 – CONSTRUCTION OF BUILDINGS OR OTHER FACILITIES

Such activities are prohibited, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States.